

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

MS Word Export To Multiple PDF Files Software - Please purchase license.

**DATE:** February 8, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA00-0126 for Variance

**PROPOSAL:** A request for a front yard setback variance to permit a garage entrance setback (driveway) of 15 feet – 8 inches from the back of the sidewalk, when the standard garage entrance setback is 18 feet from back of sidewalk. The purpose of the variance request is to allow an existing two-car side entry garage to be converted to a front entry garage in association with proposed additions and modification to the existing single-family dwelling.

**LOCATION:** In the Rossmoor/Los Alamitos area of northern Orange County at 2752 Walker Lee Drive, Los Alamitos. Second Supervisorial District.

**APPLICANT:** Arthur L. Jacobson, property owner

**STAFF** William V. Melton, Project Manager

**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA00-0126, as modified by staff, subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The site is located in the community of Rossmoor, which was developed in the 50s and 60s. It was developed under the standard R1 residential zoning. The original homes are typically one-story in height. Because of concerns of the community, this zoning was later amended to reduce the height limit in the community from 35 feet to 28 feet and to allow a lesser rear yard setback for certain additions. During the late 1950s new housing products came on line and tract wide setback variances were granted to builders to provide of greater diversity of product types. For this lot and track, for example, the front setback was reduced from 20 feet to 15 feet by Variance 3772 approved in September 1959, for homes that would have side entry garages

The subject property is developed with a single-story, single-family dwelling with an attached two-car garage in the front and a pool in the rear. The house and lot are typical of homes throughout this area of Rossmoor. The lot measures 70 feet by 110 feet. The house is setback from 36 feet to 51 feet from the front property line. The garage, according to plans submitted is setback 15' –2" from the front property line, 15'-8" from the back of sidewalk; and, has a side entry where the garage doors are perpendicular to

the street. Entrance to the garage is from a driveway located near the east property line, while the garage is located nearer the west property line.

The applicant proposes to construct an addition to the home consisting of two bedrooms and a bath where the home is currently setback 51 feet from the front property line. The proposed addition is located 5 feet from the east side property line and 15 feet from the front property line. The front half of the addition will be located in what is now the drive entrance to the garage. To provide access to the garage the applicant proposes to relocate the garage doors from their current location on the side to the front. However the proposed garage door relocation would provide a driveway length of 15+ feet from the garage door to the property and 15'-8" to the back of sidewalk. Since the minimum setback for a front entry garage is 18 feet, a variance to the setback standard is required.

#### **SURROUNDING LAND USE:**

The subject site as well as the surrounding properties are zoned R1/28 "Residential Single-family" with a 28 feet height limit District and generally developed with one-story single family dwellings.

#### **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to Subdivision and Grading Services Division/Traffic Review Section (SGSD) and the Rossmoor Homeowners Association/Community Standards Committee (RHA). Both the RHA (Exhibit 2) and SGSD (Exhibit 3) submitted comments raising issues with the requested variance. A discussion of these comments is presented in the DISCUSSION/ANALYSIS section of this report.

#### **CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

#### **DISCUSSION/ANALYSIS:**

Staff does not support the applicant's variance request as submitted. Additionally, the RHA as well as the SGSD do not support the applicant's request as submitted. They do not object to the relocation of the garage entrance, just the 15-foot driveway proposed. The reason; cars and trucks will most likely have a tendency to park in the driveway. With a proposed setback of only 15 feet, chances are great that an average vehicle, (such as a Ford Taurus, which is approximately 16 feet in length,) will extend over the side walk. This could lead a potential pedestrian hazard while using the County sidewalk. Larger full-size trucks would pose an even greater pedestrian hazard because of their length.

In support of the proposed variance, the applicant submitted photos and a list of homes near the site where the front entry garage setbacks were 16 feet or less. This list and photos are included with attached Exhibit 1. Staff conducted a drive-by through the community using the list of homes with garage driveways 16 feet or less in length submitted by the applicant and the Rossmoor HOA. In most cases there were no cars in the driveway. At sites where cars were in the driveway, it appears that cars were extending over the sidewalk. Some cars were just over the side walk area, while some cars were extended over a large portion of the sidewalk.

SGSD in their comment memo suggested that at least one of the parking spaces in front of the garage have a setback of at least 18 feet. They referenced a previous Rossmoor variance request (PA98-0072) that was approved for a three-car garage with a stepped-back garage face. This design provided a garage with a setback of 15'-8" and 18 feet from the back of sidewalk. This design provided for one parking space in the driveway. This proposal was also a request to convert a side entry garage to a front entry garage.

Staff agrees with SGSD comments that one space in front of the garage should be required. Provided there is adequate space in the garage, this can be accomplished. The site plan submitted indicates that the existing garage has an exterior dimension of 21'-2" by 21'-6" (the side where the front entrance is proposed). Deducting the garage walls (assuming a 6 inch width for each wall), the interior space of the garage is 20'-2" deep by 20'-6" wide. County standard interior clear space for a two-car garage is 18 feet by 18 feet.

In order to achieve a one-driveway length of 18 feet behind one of the garage spaces, the applicant would need to modify the interior of the garage. Providing one driveway space of 18 feet, the applicant would have a garage with one space measuring approximately 10'-3" by 20'-1"; and, one space measuring 10'-3" by 17'-2". However, the 17'-2" space length does not meet minimum County standards. As a compromise, a 17 feet driveway length, or front setback, behind one garage space, would leave a garage space of approximately 18'-2" for one car which does conform to the county Standard.

A driveway setback of 17 feet has been previously approved for some newer residential developments in areas like the Newport Coast and Aliso Viejo. This length of driveway space is adequate for most family cars, light trucks and SUVs, like the Ford Explorer. A length of 17 feet is not adequate for large cars like the Ford Crown Victoria or the large SUVs. In some cases, the County standard of 18 feet is inadequate for the newer very large vehicles.

Therefore, staff is recommending that the Zoning Administrator modify the applicant's variance request and garage plan in connection with any approval action. Staff will support a variance request to allow for a garage setback from back of sidewalk of 15 feet behind one of the garage parking spaces and 17 feet behind the other space in the garage. This recommendation provides for one parking space to accommodate most standard size cars between the garage and the back of sidewalk and two above standard spaces in the garage. This revision will require the applicant to provide two single garage doors instead of the one double garage door as proposed. In order to accomplish this staff recommend revision, the following Condition of Approval is proposed:

- *Prior to the issuance of a building permit for the additions and modifications proposed, the applicant shall submit revised site plans meeting the approval of the Manager, Current Planning Services Division showing the garage entrance has been changed from one double-wide garage door to two eight (8) feet wide garage doors; and, that the distance between the outer face of one of the garage doors and the back of the sidewalk is at least seventeen (17) feet; and, that the parking space in the garage has a minimum clear space of eighteen (18) feet by eighteen (18) feet.*

In addition to this condition, staff is recommending a condition that the garage doors be the sectional type and equipped with remote openers. SGSD also requested that a condition be applied to this proposal if it is approved with a setback less than 18 feet. Staff is including SGSD's requested condition as follows:

- *Prior to the issuance of a grading permit or building permit, whichever comes first, the applicant shall design the driveway approach in a manner meeting the approval of the Manager, Subdivision and Grading Services.*

#### **RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0126, as modified by staff, for Variance, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

WVM

Folder: D/Variance/Variance 2000/PA00-0126 Staff

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation including a list of homes, with photos, showing homes in the vicinity with front entry garage setbacks of 16 feet or less.
- 2. Comments received from the Rossmoor Homeowners Associations including photos.
- 3. Comments received from Subdivision and Grading Services Division/Traffic Review Section
- 4. Site Plans with site photos

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.